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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
3470 Twelfth Street, Riverside, CA 92501
CIVIL MINUTES -- GENERAL

Case No. ED CV 08-01491-SGL(PJWx)

Date: October 27, 2008

Title: U.S. BANK NATIONAL ASSOCIATION, ET AL. -v- RAFAEL REYES, ET AL.

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PRESENT: HONORABLE STEPHEN G. LARSON, UNITED STATES DISTRICT JUDGE

Jim Holmes
Courtroom Deputy Clerk

None Present
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFFS:

ATTORNEYS PRESENT FOR DEFENDANTS:

None present

None present

PROCEEDINGS: ORDER TO SHOW CAUSE

The Court has received and reviewed defendant's October 23, 2008, notice of removal, seeking to remove to this Court an unlawful detainer action filed by plaintiff in San Bernardino County Superior Court. In the notice, defendant argues that this Court has subject matter jurisdiction over the unlawful detainer action because there is "complete diversity" and defendant "believes that the amount in controversy exceeds \$75,000." The complaint filed by plaintiff tells a different story. In the complaint, plaintiff specifically concedes that the amount demanded is "under \$10,000." This specific averment of what plaintiff seeks by way of damages defeats any suggestion that the amount in controversy exceeds \$75,000.

In the notice defendant also asserts that the Court has federal question jurisdiction because of his "discovery request and demands for **'THE ORIGINAL BLUE INKED PROMISSORY NOTE.'**" However, for the Court to have subject matter jurisdiction over a case, a cause of action in the case (not a discovery request) must arise under the laws of the United States. Similarly, defendant asserts that the state court complaint "alleges claims 'arising under' federal law," but again the complaint filed by plaintiff is simply a unlawful detainer action and does not list or aver any claim based on federal law.

Given the substantial questions that exists as to whether this Court has jurisdiction to hear this matter, defendant is hereby **ORDERED TO SHOW CAUSE** within seven (7) days of the date of this Order why this case should not be remanded to state court. Defendant's failure to timely respond to the Order to Show Cause shall be considered by the Court as a failure to prosecute this matter and will result in the summary remand of the matter to state court.

IT IS SO ORDERED.

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Initials of Deputy Clerk: jh